



## Senator Don Gaetz

### Reports to Northwest Florida

January 2, 2008

### ***Senate Education Panel Report:*** **Legislature Should Take Action** **To Address Teacher Misconduct**

Dear Neighbor,

As a Superintendent of Schools in Okaloosa County and now as Chairman of the Senate Education Committee, I know that legally and morally those who teach and coach our daughters and sons are held to a strict code of conduct and high standards of ethics. That's as it should be.

As parents, we want our children to be able to trust their teachers. In the life of my family, that trust has been well placed. For us, public school teachers are symbols of authority but also models of inspiration, caring and rock-solid values. I'm sure that millions of Florida families can say the same.

That's why, during the coming session of the Legislature, the Senate Education Committee is approaching the troubling issue of teacher misconduct seriously and urgently. It's critical that the state and local school districts take action to stop unethical and immoral exploitation of the teacher-student relationship.

A recent case in Bartow, Florida, illustrates the problem. There, a teacher tried to convince a student that the way to bring up a failing grade was to perform oral sex. Fortunately, the student went to the police and the teacher was caught and incarcerated.

In Okaloosa County, during my time as Superintendent, a popular coach cynically abused the respect and admiration athletes had for him. The resulting sexual crimes left deep scars on his victims and the school and put him in prison for a long time.

Tragic as they are, these extreme cases can be dealt with in a simple and straightforward manner by local and state school officials. A teacher caught and convicted and jailed is someone who will never be in a classroom again.

Over 4,000 legally sufficient allegations were dealt with during the 2006-07 school year by the Bureau of Professional Practices of the Florida Department of Education. That's a 21 percent increase over two years. Violations ranged from testing fraud to drug abuse to sexual misconduct to other ethical/legal lapses.

The problem is that not every abuse is reported. Not every report is investigated. Not every investigation is thorough. Even when there is evidence of violation, not every violation results in action. Not all actions are consistent. And, too often, quiet resignations are arranged behind closed doors and the abuser takes her or his misconduct to the next school or town.

Inspired by an excellent investigative series in the Sarasota Herald Tribune, Senator Lisa Carlton asked the Senate Education Committee to dig into this issue and determine how the Legislature could help, either by directing the Department of Education to improve its oversight or by enacting statutory reforms. To read the Herald Tribune's series, go to <http://www.heraldtribune.com/apps/pbcs.dll/section?CATEGORY=MULTIMEDIA0202>.

Some school districts have strong local policies, excellent training, and good records in dealing with teacher misconduct. The Senate study found that Hillsborough County School District may be a model for stringent hiring practices, explicit conditions of employment, clearly defined causes for dismissal and effective reporting and sharing of information.

However, a thorough Senate study also revealed these weaknesses:

- Florida doesn't do as much as some other states to protect the integrity of the teaching profession

- Some Florida school districts don't do background checks on prospective employees, including checking the Department of Education's website for "red flags"
- Some Florida school districts don't define "moral turpitude" as a cause for disciplinary action or dismissal
- Some Florida school districts don't ask previous employers or even applicants, themselves, about prior allegations or bad acts
- It's not mandatory in Florida for private schools to screen job applicants
- Florida school districts are not required to report the termination of educators for misconduct
- School districts often enter into confidentiality or non-disclosure agreements, allowing educators under investigation for misconduct to resign and move to another location
- Federal law does not require reporting of misconduct or the sharing of information among states
- Parents often do not have ready access to information about disciplinary actions taken against teachers
- School-based administrators and even school district human resource officials are not always adequately trained in how to investigate charges of misconduct
- Sometimes, in an effort to avoid bad publicity or conflict with unions, some school districts will postpone local action and defer misconduct issues to the state

To read the entire Senate report on teacher misconduct, go to [http://www.flsenate.gov/data/Publications/2008/Senate/reports/interim\\_reports/pdf/2008-118ed.pdf](http://www.flsenate.gov/data/Publications/2008/Senate/reports/interim_reports/pdf/2008-118ed.pdf).

Of course, not every allegation warrants or even suggests misconduct. There are some cases rooted in misunderstanding. As in any employment situation or venue in which one person has authority over others, false reports occur as a result of grudges or slights. "Due process" is as important in dealing with teacher misconduct as it is in any other area of administrative, civil or criminal proceeding.

I've already begun working closely with Senator Carlton, House Schools and Learning Council Chairman Joe Pickens and other lawmakers on legislation to significantly improve the way our state and local school districts deal with teacher misconduct.

On January 9, at 9 am in Tallahassee, the Senate Education Committee will receive and discuss the professional staff report on this issue. The report includes a series of recommendations which I will ask the Committee to support as we draft legislation:

1. Expand the membership of the state's Professional Practices Council to include a representative from federal law enforcement, to promote the exchange of information among states.
2. Memorialize the Congress to establish a national notification system identifying educators who commit unethical conduct
3. Require the Department of Education to provide technical assistance and training for school districts in how to prevent, detect, investigate and take disciplinary action in misconduct cases
4. Require the Department of Education to disseminate model school district policies and procedures based on the most effective methods for screening, hiring and terminating unethical educators
5. Require school districts to adopt such policies and procedures in order to get rid of unethical educators and prevent unwitting employment of teachers who have committed misconduct elsewhere
6. Prohibit "side deals" or confidential terminations for unethical conduct
7. Require school district to report all instances of termination, access educator information available on the

state's website, perform background checks, and share and use information to identify potential problems.

8. Provide for financial penalties, suspension or revocation of a teaching certificate or termination of employment of school district officials if a district fails to report alleged or actual misconduct, fails to screen potential employees or enters into confidentiality agreements that conceal misconduct
9. Provide parents with user-friendly access to information about disciplinary actions taken against teachers
10. Require all schools, public or private, that receive state funding to screen job applicants for past misconduct and to share information about misconduct with other educational employers and with the state

The teaching profession deserves respect and support. The thousands of hard-working, committed, ethical educators giving of themselves every day in classrooms across our state are wrongfully diminished any time teacher misconduct occurs or is not dealt with effectively. Teachers are among the strongest advocates for high standards and rock-solid values defining the teacher-student relationship.

I hope and trust that this session of the Legislature will produce results on this issue that are worthy of Florida's educators and that give all of us as parents even more reason to trust our children's teachers.

The Sarasota Herald Tribune performed a valuable service in its investigative series and all of us who support public education owe Senator Carlton a debt of gratitude for insisting that teacher misconduct be addressed in a serious and effective manner by the Legislature.

If you have opinions or comments on teacher misconduct or any other topic, please feel free to contact me. Your suggestions, criticisms and guidance make me a better senator for Northwest Florida.

Respectfully,

A handwritten signature in black ink, appearing to read 'Don Gaetz', with a stylized, cursive script.

Senator Don Gaetz

*For more information about this or any other issue, please contact Senator Don Gaetz, by e-mail at [gaetz.don.s04@flsenate.gov](mailto:gaetz.don.s04@flsenate.gov), by letter, 217 Miracle Strip Parkway, SE, Ft. Walton Beach, FL 32548 or call 1-866-450-4DON toll free from anywhere in Florida.*